

TOWN OF TRURO  
BOARD OF SELECTMEN  
MEETING OF TUESDAY, OCTOBER 4, 2005

The Truro Board of Selectmen met for their weekly session on Tuesday, October 4, 2005 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Paul J. Asher-Best, Lloyd F. Rose, Town Administrator Pamela Nolan, Assistant Town Administrator John J. Sanguinet, Administrative Secretary Julie DuPree, Richard Lay, Axel Schmidt, Marie Boni, Kristin Perry, Richard and Cynthia Perry, Claire Perry, Nick Brown, John Rice, Brenda Boleyn, Betty Anne Cesan, Marion K. Vogt, Muriel Crisara, Kathy Rosenkampff, Susan Kadar, Pat Pajaron, Ruby Druss, Roger Allen, Paige Allen, Marge Corea, Janice L. Johnson, Trudi Brazil, Steve Desroche of the Cape Codder, and Kaimi Lum of the Banner. Christopher R. Lucy was absent.

Mr. Gaechter convened the meeting at 6:00 p.m.

**Minutes: Mr. Palmer moved to approve the minutes of September 13, 2005 as presented. Mr. Rose seconded it. Vote: 3-0-1, with Mr. Asher-Best abstaining due to his absence.**

**Mr. Asher-Best moved to approve the minutes of September 27, 2005 as presented. Mr. Rose seconded it. Vote: 3-0-1, with Mr. Palmer abstaining due to his absence.**

**Public Comment:** None.

**Duarte property:** Mr. Gaechter explained that he had gotten a call from Mr. Lucy last Friday expressing surprise at the work that was being done at the future park site. He went down to have a look and was concerned as well and asked the contractor to stop work until he could discuss with Mr. Sanguinet if this was in conformance with the ConsCom plans. When Mr. Sanguinet saw it he was also concerned, as was Ms. Boleyn, Chair of the Open Space Committee. Mr. Gaechter said that without casting any judgment, he would like to discuss what to do now.

Mr. Sanguinet explained the three phase plan that was approved by the ConsCom. Although Mr. Irwin had indicated to him that everything between the two telephone poles was to be removed, he had planned to speak with Mr. Morris and remove the most invasive growth first, then the others, leaving a two foot buffer along the road until the replacement black pines were obtained. Before this could happen, the work had begun. Ms. Boleyn said she understood that trees were to be marked and selectively removed, and she was very surprised to see a steam shovel there. She feels the wholesale removal is not consistent with the plan. Mr. Brown explained that he had gone to the committee to suggest providing access and re-establishing the view of the river as in the past and asking if something could be done. They came up with a game plan, it was filed by ConsCom and they had oversight of the project. Mr. Irwin, a renowned botanist, went down there to see what should be removed; he indicated a boundary that was to be left intact, and that vegetation between x and y, marked by engineering tape, was to be removed. They found old construction rubble, some with trees growing out of the piles. Mr. Irwin had indicated that the stumps were to be removed, and they were ready to proceed. The rubble was buried. Mr. Brown outlined to the BOS the work that has been done, and at no cost to the town; it has all been done with volunteer labor under the tutelage of Mr. Irwin. He expressed that he is

dismayed to find communication did not exist between the boards. At last night's ConsCom meeting they again approved what was done, and in fact, some more is to be removed. He has tradesmen willing to do the work, but the DPW can take over if that is preferred. Ms. Boleyn said that they are not on the same page as to how the work should be done, but they must start with what they have now, stake out the trail, and decide about the rest; she never heard of any re-loaming and planting, and she thought a sound barrier was to be left in place. Mr. Gaechter suggested that they proceed after a site visit with those involved--Mr. Brown, Ms. Boleyn, someone from ConsCom and Mr. Irwin, of course. He directed Mr. Sanguinet to set that up this week. Mr. Brown said that it should be soon-- before we have a frost, especially for the re-vegetation. Mr. Gaechter thanked all the volunteers for their work. Mr. Rice remarked that Mr. Irwin was to go down and mark what was to be saved. Mr. Gaechter said that the only thing he sees that was done contrary to the ConsCom plan was the buffer that was to be left along the road. Mr. Asher-Best said he feels that opening it up to full view of passing cars increases the safety of the space for people. Mr. Rose said he was sorry it could not have been done to look as it once was. They discussed that the filling of the marsh took place in the 1950's.

**Public Hearing: N. Union Field Road and Moses Way:** Mr. Gaechter explained that the purpose of the hearing was just for the taking of the road, for discussion only, and no decisions would be reached this evening. Mr. Lay explained the plans he prepared for the town. The roads to be taken consist of 3,000 linear feet, and encompass two private roads owned by the abutters. It will be a taking in easement only, not in fee. The roads are in need of repair. Mr. Asher-Best questioned the ownership on the deeds, especially on North Union Field. Mr. Lay explained that Town Counsel had looked at them also and they agree on who is the owner; he explained the process they used. He said that typically the lot size doesn't include the roadway area.

Ms. Perry said that the actual road is still owned by the Perry family-- 56% of what the town is planning to take, which is 66,000 square feet. She showed this on a map she had highlighted. They have concerns as to why the town is trying to take this. She read a statement aloud in which she said she had asked for public information--the STM warrant, and copies of the appraisal work paid for by the town, and she was denied. She is asking for these under the public information act. Quoting a portion of the certified letter sent to abutters, she went on to say that there is no justification for an unfriendly taking when the town has not pursued a friendly taking. She noted that the Perry family has given up building lots and invested time and money in order to develop these roads and they should be compensated for that, especially since the town is taking these private roads to benefit Provincetown. Her last point was that this taking would provide public access to other private property that is currently without a 40-foot access and therefore will increase the potential development of that property. They have great concerns that people are not being informed. Mr. Palmer reassured her that the taking would not make the Walsh property accessible; it would still be land-locked and it is not the intention of this town to create public access to this property. Mr. Gaechter conceded that any thing can change in future generations; what we know now is what we can deal with. Mr. Asher-Best pointed out that the Walshes would have no frontage on that road. Mr. Allen asked what the Board's intent was in this taking. Mr. Palmer said that it was to develop town owned property for affordable housing. Ms. Rosenkampff said that initially she was thrilled that the DPW--which she feels is great--was

going to improve the road, until she received the letter which mentioned affordable housing. She said it is not a safe road and the DPW can't make it safe for more housing--even ten more cars is not safe. She questioned if it could be a legal road if it was developed today. She said putting affordable housing here was not a smart idea; she questioned if there wasn't town land on a more direct road. Mr. Lay explained what would have to be done to make it conform to current regulations, but speculated that it probably could be made to conform without additional takings. Ms. Allen asked why the BOS were not answering questions about the plans for the affordable housing. Mr. Gaechter said that they don't have the answers yet; no decisions have been made. Ms. Allen thought there were better places in town for this and urged them to use them instead. She questioned the need for affordable housing, who needs it in town, how many units would be built and would that result in fifty more cars traveling her road. She said these are questions they need answers to. She asked if the housing is for Truro residents or for out-of-towners, and would they be deserving of it. She said the well is ok, and makes sense to her, but this housing will make her give up the quality of life that she expected when she bought her property.

Mr. Lessard also questioned the need for affordable housing since there were only three applicants for the house moved from Coast Guard Road; we now have an affordable house moved to Snow's Road, and there is going to be 14 units at the library site. If no one applies for these, are we going to advertise in Brockton and other cities looking for people? He heard these were going to be rentals and so will be occupied by transients; owners take better care of their things. Mr. Asher-Best said this was devolving into a hearing on affordable housing and there aren't any plans yet. He understood that they have questions and they deserve answers, but at a separate hearing, probably way down the road. No one has committed to affordable housing at this site, and no one is asking anyone to commit to that. They are asking for access for a well site, with potential for affordable housing because of the size and location of the property, but it is not happening now. He added that if Ms. Perry owns the road, it should have a map and parcel number and he hopes we are taxing it. Mr. Gaechter defended the need for affordable housing, noting that Truro has less than 1% of the housing the State mandates. Policemen and teachers leave the town because they cannot afford to live here. The intention is not to provide housing for summer help, but for residents. The Board is looking at all potential properties, and it is not a question of either-or; we will need them all. The town has other needs as well, such as conservation and the school. Some pieces are too small for development. No one parcel has been singled out. There will be hearings held before any development happens. He urged those present to calm down the rhetoric.

Ms. Dross was concerned that the road would be close to her house which is near the rotary. Mr. Palmer announced that the NPS has agreed to provide access to the wells through the seashore property. Ms. Johnson asked if that was the case, why take the road. She was concerned with the change in the character of her neighborhood. Mr. Palmer said that they could not develop the property for any other purpose and use the seashore as access. Mr. Asher-Best said that this access was news to them. Mr. Gaechter said that there was nothing on the STM Warrant on this taking and there would be no action until April. They would take their input and look at it. Mr. Lessard said that the wells are a moot point, so now the only point is affordable housing. Mr. Gaechter said another public hearing would be held, it will be advertised, and the appraisals

would go forward. When asked for a timetable, Mr. Palmer said they couldn't provide one until the well fields were developed because they won't know the configuration of the land. Ms. Vogt asked if the town would be able to fix a spot in the road that is very bad in winter. Mr. Asher-Best said they could. She was also concerned about the trees on her property being cut down. Mr. Gaechter said they had no answers on that at this point. He said he was glad the people had come out and that the Board was listening to them. He assured them again that this proposed taking was not on the STM Warrant.

**Chapter 90 funds:** Ms. Brazil asked that the Board approve the MA Highway Chapter 90 allocation. It is in two parts, both of which the Chair needs to sign, but one part must be done before the Town Clerk. The allocation is for \$105k. **Mr. Asher-Best moved to approve the MA Highway Chapter 90 allocation and authorize the Chair to sign it. Mr. Palmer seconded it. Vote: 4-0, unanimous.**

**Assessor's Online information:** Ms. Nolan reported that this was put on the agenda at the suggestion of Mr. Kapinas because of issues that have arisen in other towns he services, and our IT Director also felt there may be issues. She has since spoken to them and the Deputy Assessor and now she feels there is nothing left to be done.

**Boespflug complaint:** Mr. Gaechter noted that the pertinent points were in paragraphs 19, 20, and 21, and Town Counsel feels there is no merit to the case and it can be won in court; he feels it is just a delaying tactic. Town Counsel also told him they would find the best possible way to expedite this; the Board will probably discuss this in Executive Session in the future. Mr. Asher-Best asked if our grant was in jeopardy. Mr. Sanguinet said he did not believe so. Mr. Malone has assured him that he will be in for as long as it takes. Mr. Gaechter said he had heard the money was already allocated. Ms. Kadar asked that if there was anything the Housing Authority can do, to let her know.

**Painting Contract:** Mr. Sanguinet asked that the Board approve the contract with the low bidder for the painting of the exterior of the Public Safety Facility. **Mr. Palmer moved to approve the contract with Fox Painting Company, Inc. and to authorize the Chair to sign it. Mr. Asher-Best seconded it. Vote: 4-0, unanimous.**

**MUNIS:** Ms. Brazil explained that this operating system database agreement would assure that our information is placed in safe storage in case of an emergency, and provide support in situations such as if our IT Director suddenly leaves. It is invaluable. **Mr. Palmer moved to approve the agreement with Munis and authorize the Chair to sign it. Mr. Asher-Best seconded it. Vote: 4-0, unanimous.**

**STM Warrant:** The Board reviewed the draft warrant with the Town Administrator:  
Article 1: CPA funds: Affordable Housing: the money amount is \$150k.  
Article 2: CPA funds: Historic preservation project: the money amount is \$50k.  
Article 3: Reduce amount of borrowing: a typo was noted in the amount of the reduction.  
Ms. Brazil suggested that there be another article for CPA funds to pay for the move of the green

house. A transfer to the Affordable Housing Trust Fund can be accessed by the BOS for any Affordable Housing project; this would pay for just the emergency of moving the house. The amount still owed to Winkler Crane Co. is under \$40k. The BOS asked that Ms. Brazil speak to the Chair of the CPC to see if they are amenable to a third funding article. Mr. Gaechter asked that she consult the Housing Authority as well.

Article 4: Conservation restriction on Poor Property: Mr. Gaechter suggested that they would need a recommendation from ConsCom since they are to assume the care of the property under this restriction. Ms. Nolan was directed to find out the role of the ConsCom in the custody of a property with another entity--in this case the TCT--being granted the conservation restriction.

Article 5: Energy fund: Need to add where the money is being transferred from. Ms. Brazil told him it would come from Golf Course Receipts Reserved.

Article 6 and 7: Emergency replacement of hot water heater at TCS: TCS garage project: Both of these transfers will come from the Operating Capital Budget of the School--not the Capital Improvement Fund.

Article 8: Increase for Assistant Town Administrator: Mr. Palmer questioned this because he thought purchasing was a duty in the job description of the Town Administrator. Ms. Nolan said it was, but John had the expertise having taken the necessary training. She has always worked with a Purchasing Agent.

Article 9: Harbor Master change: Ms. Nolan outlined the changes she made in the classification schedule--from hourly grade 10 to salaried grade 11. She changed the job description by adding extra hours to equal 1600 hours per year, and adding the completion of all dredge paperwork to the list of duties. She is not in favor of a change to Natural Resources Director at this time. The Board discussed what other towns do, noting that Truro is the only town without a full-time Harbor Master. It was suggested that the new job description be available at STM as a handout, and perhaps a comparison chart of other Cape towns as well. Mr. Asher-Best said he would like to move in the direction of these positions being treated as department heads. Ms. Nolan said they already were. Ms. Brazil said the Beach was established as a seasonal program many years ago. Golf Course personnel who work the appropriate amount of hours are eligible for benefits. Ms. Nolan announced that the ACOE has given permission to dredge in March. She doesn't have it in writing yet, though. Now they just need to get permission from the DEP. Ms. Brazil asked if she intended to put money in the article to pay for the increase. She said she did.

Discussion centered on whether to wait for ATM, or whether hiring a new Harbor Master could wait that long. Ms. Nolan noted that Mr. Jackett may not be able to continue on that long as Acting Harbor Master. Mr. Gaechter directed Ms. Nolan to discuss the financial aspects with the Town Accountant. He feels it is important to hire someone for dredging season; we need to have someone in place before the next fiscal year.

Article 10 and 11: Zoning articles

Ms. Nolan told the Board that there may be one more article regarding the legality of the minor language changes in the general bylaws made at ATM. These consisted of small corrections, mostly grammar and punctuation. The Town Clerk has questioned it, and Town Counsel is looking into it.

**Goals/Objectives:** Mr. Gaechter said Mr. Lucy did not like the names included in the LCP responsibilities and asked if any one else objected. No one did, and **he moved to accept the**

**FY06 Goals and Objectives as presented in their packets. Mr. Palmer seconded it. Mr. Asher-Best wanted to have it posted on the website, removing last year's report, and also distributed to all multi-member bodies and department heads. He asked that the motion be amended to include this. Mr. Gaechter and Mr. Palmer amended the motion and second. Vote: 4-0, unanimous.**

**Town Administrator's Report:**

- Letter was sent to Senator O'Leary by Principal Davis regarding the school's request for a sidewalk. Mr. Asher-Best will check on this as liaison to the School Committee.
- Received notice that the Truro Public Library has been made available to the Post Office in an emergency. She commended Ms. Royka for her ability to see the need for this.
  - Distributed a progress report on the summer activities from Mark Peters, RecDirector.
  - Provided the Board with a newspaper article on the Flex route service. Funding is shaping up. Truro's share to be taken from the cherry sheet is 20,219.00.

**Selectmen/Liaison Reports:**

**Asher-Best:** -Commended the custodian on the condition of Town Hall after one year and asked that Ms. Nolan convey that to him.

-Asked that the Assessors be directed to look at the ownership of private roads and put them on the tax rolls, or at least find out what other communities do.

-Expressed his disappointment in not having a timely tax bill. He told Ms. Nolan that he considers this her first failure. Discussion centered on the reasons for the delay. Ms. Nolan will speak with the Deputy Assessor and get answers for the BOS for next week.

**Gaechter:** -Asked for BOS to approve a change in liaison assignments. Mr. Palmer wants to be liaison to the NPS, and he would like to take on the Housing Authority. Hearing no objection it passed by unanimous consent.

**Palmer:** -It has been brought to his attention that Mr. Perry needs to be reappointed to the Housing Authority. It seems that once his resignation was filed with the Town Clerk, he could not pull it back. **Mr. Palmer moved to appoint Jerome Perry to fill a vacancy on the Housing Authority until the next election. Mr. Gaechter seconded it. Vote: 4-0, unanimous.**

**At 8: 25 p.m. Mr. Asher-Best moved to adjourn. Mr. Palmer seconded it. Vote: 4-0, unanimous.**

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Alfred Gaechter, Chairman

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Gary Palmer, Vice-Chairman

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Paul Asher-Best, Clerk

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Lloyd F. Rose

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